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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,680	10/28/2003	Scott Randall Shaw	RP301	3934

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EXAMINER

BOUCHELLE, LAURA A

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,680

Applicant(s)

SHAW ET AL.

Examiner

Laura A. Bouchelle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 11-14, 16, 17, 19-24, 30-32, 34, 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Challender et al (US 5492147).

3. Challender discloses a fluid connector comprising a cylindrical male housing 10 and a cylindrical female housing 20, where the first and second housing are configured to be coupled to a container and a catheter, the male housing comprising a penetration tube 23 having closed and opened ends, a first stopple 32 formed from elastic material mounted in the proximal opening of the first housing having an opening that conforms about the closed end of the penetration tube (Col. 3, lines 10-65). Challender further discloses a second stopple 70 formed from elastic material mounted in the proximal opening of the second housing having a normally closed slit opening configured to receive the closed end of the penetration tube (Col. 4, lines 50-65). Challender further discloses that the connector has cooperatively interlocking detents 50 that secure the first and second housings together and release to decouple the housings with

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sufficient force (Col. 4, lines 25-35). See Fig. 1. Challenger discloses that the penetration member 23 tapers towards the closed end (Col. 3, lines 58-60).

4. Challenger discloses that the device is capable of being adapted to a fluid container, directly coupled to a catheter or coupled to a catheter through flexible tubing.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 18, 26-29, 10, 25, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger in view of Desecki et al (US 5964785). Claims 9, 18 and 26-29 differ from Challenger in calling for the connector to comprise a lever release mechanism. Desecki teaches a connector having lever release mechanisms 100a, 100b to allow for secure coupling and easy de-coupling of the first and second members (Col. 6, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Challenger to have a lever release mechanism as taught by Desecki to allow for secure coupling and easy de-coupling of the connector members.

7. Claims 10, 25, and 33 differ from Challenger in calling for the detents to be disposed away from the stopples to prevent contamination. Desecki teaches that the locking members are disposed away from the connecting surfaces to maintain the connecting surfaces in an aseptic condition by preventing contamination of the area (Col. 10, lines 18-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Challenger to have locking members disposed away from the connecting surfaces as taught by Desecki to maintain the connecting surfaces in an aseptic condition by preventing contamination of the area.


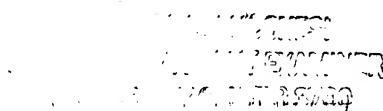
8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger in view of Tyner (US 5573716). Claim 15 differs from Challenger in calling for the system of claim 1 to be included in an IV system. Tyner teaches a connector similar to Challenger that is included in an intravenous system to make a sterile connection between the lines (Col. 1, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Challenger to be included in an IV system as taught by Tyner to make a sterile connection between the lines.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Bouchelle whose telephone number is 571-272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura A Bouchelle  
Examiner  
Art Unit 3763

LAB